US Environmental Protection Agency-Region 2
Caribbean Environmental Protection Division
Response and Remediation Branch

Resource Conservation and Recovery Act (RCRA)
Follow-up Inspection Report

Facility Information:

Name: Cabo Rojo Wood Treating PLT, Corp.

EPA ID Number: PRD987372794

Mailing Address: P.O. Box 765 Cabo Rojo, PR 00623-0765
Physical Address: Road PR-313 Km. 1.0, Camino De Ballaja
Cabo Rojo, PR
NAICS 321114: Wood Preservation
Geographical Coordinates: 18.076514 °, -67.138996°

Facility Representative(s):

Name: Efren Laracuente
Position: Facility Manager
Telephone: 787-851-1510
Email Address: elaracuente@comercialtoro.com

Name: Jorge Morales
Position: Wood Treatment Plant Manager/Operator
Email Address: N/A

EPA Inspector(s) Information:

Name: Zolymar Luna
Telephone: 787-977-5844
Email Address: luna.zolymar@epa.gov

Name: Rosana Caballer
Telephone: 787-977-5880
Email Address: caballer.rosana@epa.gov

Inspection Date: *May 3, 2014*

Project ID: CEPD-RCRA-09-0146

Record Schedule: 108-025-05 478(b)

Status: Final

Reason for the Inspection: CEPD Initiative

Attachments: *Figure 1-Facility Location Map, CEI Photolog, and Documentation Submitted by Cabo Rojo Wood Treating*

1 INTRODUCTION

A Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (CEI) was conducted on May 3, 2014 at Cabo Rojo Wood Treating PLT, Corp. (Facility or CWT). The Facility, a wood preserving -drip pad- plant, is located at Road PR-312 & 313, KM 1.1 in Ballaja Ward, Cabo Rojo, Puerto Rico. Refer to *Figure 1* for the location and an aerial photograph of the Facility.

According to EPA records[1], the EPA and the Puerto Rico Environmental Quality Board have conducted eight inspections since 1992. The last inspection was conducted by EPA in 2011, and several concerns associated with the management of solid waste and wood preserving operations were identified. During the last CEI, Facility's representatives failed to provide accurate information to the EPA inspectors (R. Caballer, E. González) on these concerns. Consequently, the Facility was targeted for re-inspection as part of the Fiscal Year 2014 commitments.

The main objective of the CEI was to verify if previously identified concerns were addressed by the Facility, ensure it was in compliance with the regulations that govern hazardous waste generators, and evaluate the operating conditions of the drip pad. The CEI consisted of: an opening meeting, a Facility walkthrough, a review of Facility documents, and a closing meeting.

2 OPENING MEETING

As part of the CEI, we met with Mr. Jorge A. Morales, Drip Pad Operator, who contacted the Facility Manager, Mr. Efren Laracuente, presented our credentials and established the purpose of our visit. During the meeting, I explained that during previous inspections (i.e. 2009 and 2011) EPA inspectors identified concerns associated with the Facility's hazardous management and wood treatment operations. Consequently, EPA decided to re-inspect the Facility to verify if the ongoing operations were in compliance with the regulations that govern hazardous waste generators and drip pad operators. Immediately, Mr. Morales provided a briefed overview of the Facility's wood treatment operations and its equipment: drip pad, and wood preservative type (Wolman®) that is used. We asked if the drip pad was existing[2] or if it was lined, and Mr. Morales replied that it was lined. As a result, we explained that the Facility's compliance requirements were based on whether or not the drip pad had installed a synthetic liner.

At the meeting, we inquired about Mr. Morales and Mr. Laracuente involvement with the Facility, as a result they explained that they have been working with CWT for about 30, and eight years, respectively. However, they both mentioned that they ceased to work at Facility for a period of time. After their explanation, we proceeded to request the following documentation: annual certification, weekly inspections, operating record, closure plan, personnel training, drip pad schematics and manifests. Mr. Laracuente indicated that the person responsible for maintaining the records at the Facility was no longer working for the company, and that might complicate the search. As a result Mr. Laracuente could not assure us that all the requested documents would be available for our review.

Also we inquired about the Facility's ownership status, and the Facility's representatives indicated that the wood treatment plant is owned by Comercial del Toro, which is owned by the appointee of the company's succession, Mr. Jaime Toro Bobe. This information is consistent with EPA Records in RCRAInfo.

3 FACILITY PHYSICAL DESCRIPTION AND OPERATION

The Facility is located within the lot of Comercial del Toro, which consists of an administrative office, lumber and hardware store, raw and treated wood warehouses, showroom (i.e. display for bathroom and kitchen equipment), and parking area. According to Mr. Laracuente and Mr. Morales, the wood treatment plant operates Monday thru Friday, from 7:30 am to 4:30 pm and Saturday from 7:30 to 11:30 pm. Two operators are assigned to work at the

[1] *RCRAInfo, is a United States Environmental Protection Agency (EPA) computer system which may be accessed and used for authorized use only.*

[2] *Construction was completed prior to 1990- does not have a liner, leak detection system or leak collection system.*

wood treatment plant, but additional personnel from the other operational area may be requested at times to support the plant's operations.

The Comercial del Toro property is located in a rural area in the municipality of Cabo Rojo and occupies about ten acres, from which two acres are dedicated to the wood preservation process. As part of the wood preservation process a wood preservative: CA-C (copper azole Type C) and moldicide are applied under pressure into wood products (i.e., lumber). After the application, the wood products are held in a non-earthen structure (i.e., drip pad) to remove the excess of the preserving solution ("drippage"). The drippage is collected in swales and pits to be recirculated and reconditioned for its reuse.

4 SOLID AND HAZARDOUS WASTE GENERATION

According to EPA Records, in 1992 the Facility notified EPA of its hazardous generation as a conditionally exempt generator (CESQG) and described the hazardous waste to be generated with the following waste codes: D004 (arsenic) and (chromium) D007.

At the time of the CEI, EPA record show that the Facility is a CESQG. Hazardous waste is generated from the drip pad operations (surface maintenance and solids from the recirculated wood preserving solutions). Solids derived from these operations are accumulated at the hazardous waste accumulation area, located in a fenced area adjacent to the drip pad structure. CA-C residues are considered non-hazardous waste, however; the wood preserving solution that is used in the Facility is a mixture of the CA-C concentrate and moldicide.

5 FACILITY WALKTHROUGH

Mr. Morales accompanied us during the walkthrough. The following areas were inspected: drip pad, tank-cylinder system, hazardous waste accumulation area (accumulation area), and the disposed containers area. The observations for each area are described below. Refer to the attached photolog, for pictures taken during the inspection.

5.1 CA-C TANK CONCENTRATE

The CA-C concentrate tank is located at the southeast side of the drip pad structure. It has a capacity of 12,000 gal and is provided with a secondary containment. At the time of the CEI, a secondary containment of the tank was not visible, because it was impregnated with bird manure. This concern was observed and mentioned during the 2011 inspection. Wood preserving concentrate and preserving solution tanks are subject to inspection for leaks and releases.

5.2 DRIP PAD

The wood preserving plant is located at west side of the Comercial del Toro facilities (**see Figure 1**). The area consists of a drip pad, treatment cylinder, concentrate tank, wood preserving solution tank, residual collection system, and operator's office. The drip pad is roofed and has berm with a lower area that allow access to the motorized vehicles (i.e. fork-lift).

At the time of the CEI, we observed a batch of wood placed over the treatment rail[3]. Mr. Morales explained that wood has to be tied down before it is placed inside the treatment cylinder. According to him, the entire treatment portion lasts about an hour. Once the wood has been treated, it is place for about 48-hour or until drippage has ceased, over the drip pad. In addition, Mr. Morales indicated that treated wood is tested to ensure it retains the allowable concentration of the wood preservative.

[3] *Metal based structure that is installed over the drip pad to move the wood-materials in and out the treatment cylinder.*

During the CEI, we noticed debris accumulated in front of the treatment cylinder (**Picture 1**). In addition, we observed a 5-gal container holding similar-material (**Picture 2**). We inquired Mr. Morales about this observation, he explained that these solids are generated after treatment, and are accumulated and removed in a weekly basis. According to Mr. Morales these residues are placed inside the 5-gal container to be disposed of. As he explained this procedure, we observed that the entrance to the hazardous waste accumulation area was blocked by a batch of treated wood. We inquired about this observation, and Mr. Morales agreed that it was unusual. In addition, he explained that the residues inside the accumulation area are generated from the drip pad operations and are disposed of at least once a year by Ashland. We approached the accumulation area, and noticed one 55-gal container and a 5-gal container open. The 55-gal container was overfilled (**Picture 3**), and labels were not observed over the containers.

We proceeded to verify the condition of the drip pad's surface and noticed that is was deteriorated (i.e. cracks, sealant peeling) and covered with debris (i.e., treated wood chips, wood particulates, dust). Particularly, the area underneath the *treatment rail*, we observed that this area was severely deteriorated with debris (**Picture 4**).

Later on the CEI, during the walkthrough of the lay down area, we noticed that the berm over the east side of the drip pad was lower than the other sides. In addition, treated wood was observed placed over such berm (Picture 7).

5.3 Cylinder & CA-C Mixing and Residual Tanks

As part of the walkthrough, we proceeded to walk around the cylinder area in where the wood preservative solution–mixing and residual tanks are found. The mixing tank is located next to the cylinder and the residual tank is located underneath the cylinder. Both tanks have a capacity of 11,000 gallons.

5.4 Discarded Containers Lay Down Area

During the CEI, we observed several 55-gal severely corroded (**Picture 5**) containers along with one cubic yard containers stacked at the southeast area of the drip pad structure. Seven of 16 one cubic yard containers were observed with liquid inside of them, some of which were labeled as 2491 corrosive (**Picture 6**). The stack of these containers were unstable and could cause release of the unknown substance. We inquired about this situation, and Mr. Morales indicated that he was not sure about the source of the containers or its contents, but he mentioned that those containers are used to deliver wood preservative. We mentioned that similar conditions were found during the last inspections, and that immediate response to this situation was requested from the Facility. He indicated that actions to solve the situation will be taken.

6 DOCUMENTS REVIEW

After the walkthrough, we proceeded to meet with Mr. Laracaunte to review the requested documentation. As we approached him, he mentioned that he could not find many of the requested documents. The only documents available for review were: the annual assessment certification and the evidence of personnel training (November 2013). The annual assessment certification was prepared and signed by Ed Harris, P.E. (Lic. No. 0044503). The certification indicates that the drip pad meets the requirements for Wood Treating Facilities as outlined in Subpart W of the 40 C.F.R. In addition, the certification included a note, indicating that in 2003 the treating cylinder, drip pad, tanks, and all process piping/equipment were cleaned to remove all chromated copper arsenate (CCA) waste prior to the conversion to copper azole (CA-C).

As part of the review, we requested the following additional documentation: drip pad schematics, Safety Data Sheets (SDS) of wood preserving concentrate and moldicide used for the wood preserving solution, hazardous waste manifests and weekly inspections logs.

7 CLOSING MEETING

After completion of the walkthrough and document review, we discussed the following concerns with Mr. Laracuente: the lack of maintenance of the concentrate tank's secondary containment (i.e. surface was not visible

due to bird manure), which was mentioned during the 2011 CEI (**see Section 5.1**); the mismanagement of the waste at the accumulation area; the deterioration of the drip pad's surface (**see Section 5.2**); and the mismanagement and failure to characterize the discarded containers at the lay down yard (**see Section 5.4**).

During the CEI and closing meeting, we explained Mr. Laracuente that the Facility should take immediate actions to address the concerns mentioned over the course of the inspection. As a result of the findings and in efforts to assist the Facility to return to compliance, we allowed Mr. Laracuente seven days to provide us with the requested information.

8 FOLLOW-UP ACTIONS

As agreed during the CEI, on May 6, 2014, I received an e-mail from Mr. Laracuente with the following documentation: MSDS (for the mold inhibitor (K18500), non-agricultural pesticides (biocides), moldicide, WOLMAN® E (CA-C) concentrate, and Wolman® E CA-C Treating Solution), drip pad schematics, weekly inspections, and operating record. In addition, on May 20, 2014, Mr. Laracuente sent information regarding improvements made to the CA-C concentrate secondary containment (pictures attached), non-hazardous waste manifests describing the disposal of wood chips and debris, and evidence of drip pad surface clean-up.

During the review of the abovementioned documentation, it was noticed that the drip pad does not have a leak detection/collection system. In addition, the moldicide that is used in the wood preserving solution is considered a characteristic hazardous waste. Consequently, its mixture and resulting debris should be managed as hazardous waste, unless the Facility can demonstrate via –sampling analysis- mixture rule, that such residues are not characteristic hazardous waste.

In the response, Mr. Laracuente inquired about the handling of the discarded wood preservative concentrate containers, specifically on the RCRA empty container rule and rinsing criteria. On May 23, 2014, RCRA inspector Luna called Mr. Laracuente to provide information on this matter, we indicated, that for this type of product (i.e., pesticides) the instructions on the material safety data sheet and label must be followed accordingly and then when the container is empty, it can be disposed of at a sanitary landfill or recycled.

9 CONCLUSION

9.1 GENERATORS

EPA records identify the Facility as non-generator of hazardous waste. However, based on the information that was submitted to EPA after the inspection, the Facility might be generating hazardous waste and have not complied with the generator's requirements. Therefore, the following sections summarizes the findings and concerns associated with the management of hazardous waste and the drip pad's operations at the Facility.

9.1.1 Manifest (40 CFR § 262 Subpart B)

At the time of the CEI, no hazardous waste manifests were available for review. During the closing meeting we requested evidence of the last shipment of hazardous waste to be sent via electronic mail. However, on May 20, 2014 the Facility submitted a manifest for non-hazardous waste discarded materials, which were dated May 13, 2014.

9.1.2 Recordkeeping and Reporting (40 CFR § 262 Subpart)

At the time of the CEI, we only requested records related to the drip pad operations such as hazardous waste manifests and drip pad inspections.

9.2 DRIP PAD OPERATOR

9.2.1 Design and Operating Requirements (40 CFR §265.443)

Pursuant to §265.443(a) (4) (i), the drip pad's surface must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity.

At the time of the CEI, the area underneath the treatment rail was observed severely deteriorated: cracked and stained. The surface of the drip pad was not evenly sealed or covered, such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system. However, the certified annual assessment, indicates that surface of the drip pad has a hydraulic conductivity of less or equal to 1×10^{-7} cm/second.

Pursuant to §265.443 (d), the drip pad and associated collection system must be designed and operated to convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off.

At the time of the CEI, we noticed that treated wood was placed over the curb or berm at the east side of the drip, which does not prevent run-off of the wood preservation solution and water from rain events.

9.2.2 Closure (40 CFR §265.445)

Pursuant to §265.445(c), the owner or operator of an existing drip pad, as defined in §265.440, that does not comply with the liner requirements of §265.443(b)(1) must; include in the closure plan for the drip pad under §265.112, procedures to remove all contaminated media (if any) and a contingent plan, in case not all contaminated subsoil can be practicably removed at closure; and prepare a contingent post-closure plan under §265.118 (Landfill) of this part, in case not all contaminated subsoil can be practicably removed at closure. In addition, the cost estimates calculated under §265.112 and §265.144 of this part for closure and post-closure care of a drip pad must include the cost of complying with the contingent closure plan and the contingent post-closure plan.

At the time of the CEI, we requested the Drip Pad's Closure Plan. However, Mr. Laracuente was not familiar with the document and was unable to provide information on this matter.

10 ENFORCEMENT ACTIONS

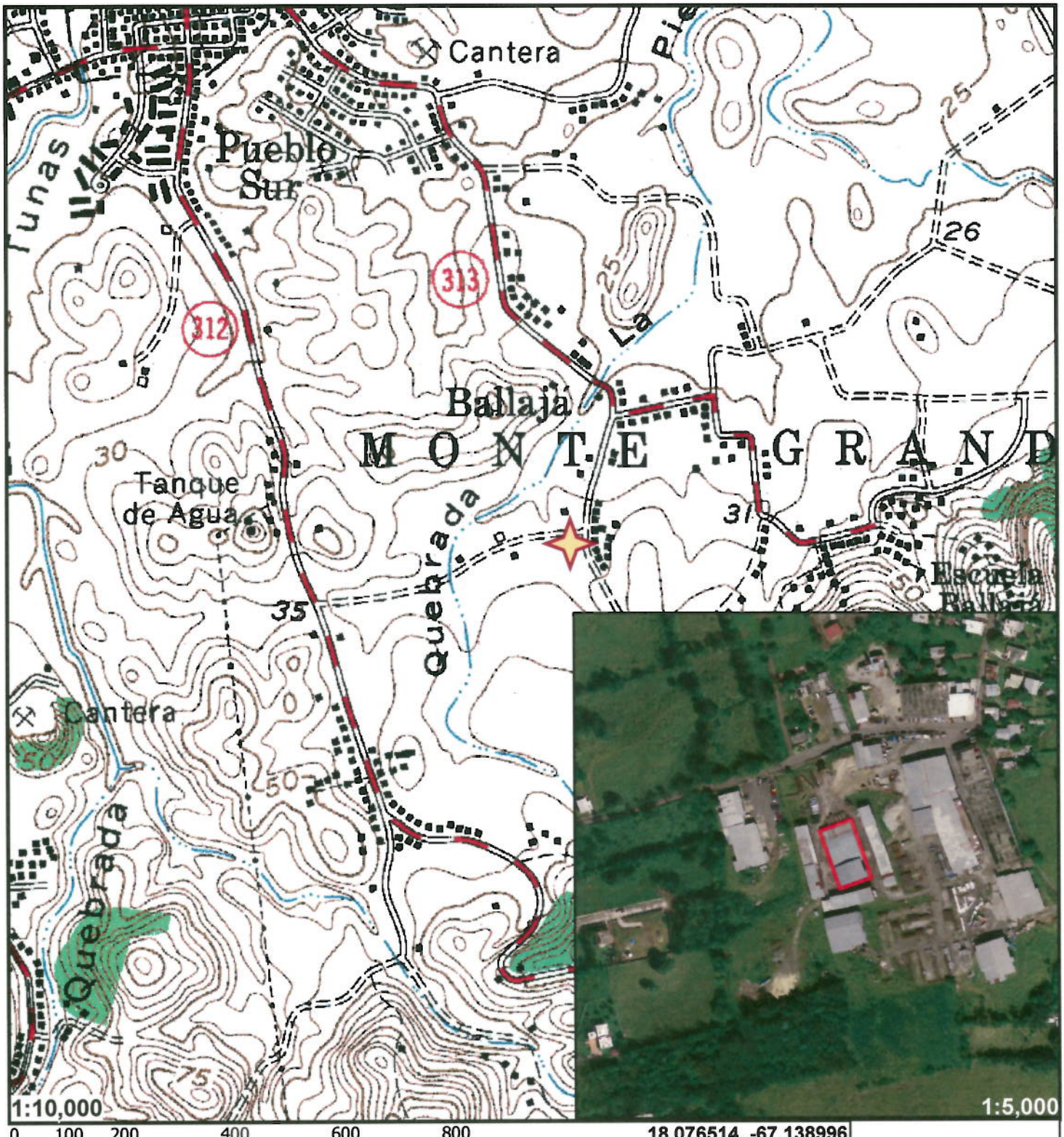
Based on the information presented above, a RCRA §3008 Notice of Violation Letter, should be issued to the Facility, citing the violations that were recorded during the CEI and those that were determined based on the information that was provided by the Facility.

Zolymar Luna, RCRA Inspector — DATE 10/16/2014

Ramón Torres, Chief
Response and Remediation Branch — DATE 10/16/14

Figure 1 - Location Map
Cabo Rojo Wood Treating Plant, Corp.

EPA ID PRD987372794
CEPD-RCRA-09-0146



Picture 1 — Debris and wood preservative stains in front of the treatment cylinder.

Picture 2 — 5-gal container with Debris derived from the wood preservation process.

Picture 3 — Overfilled 55-gal container inside the accumulation area.

Picture 4 — View of the treatment rail. Signs of deterioration can be observed.

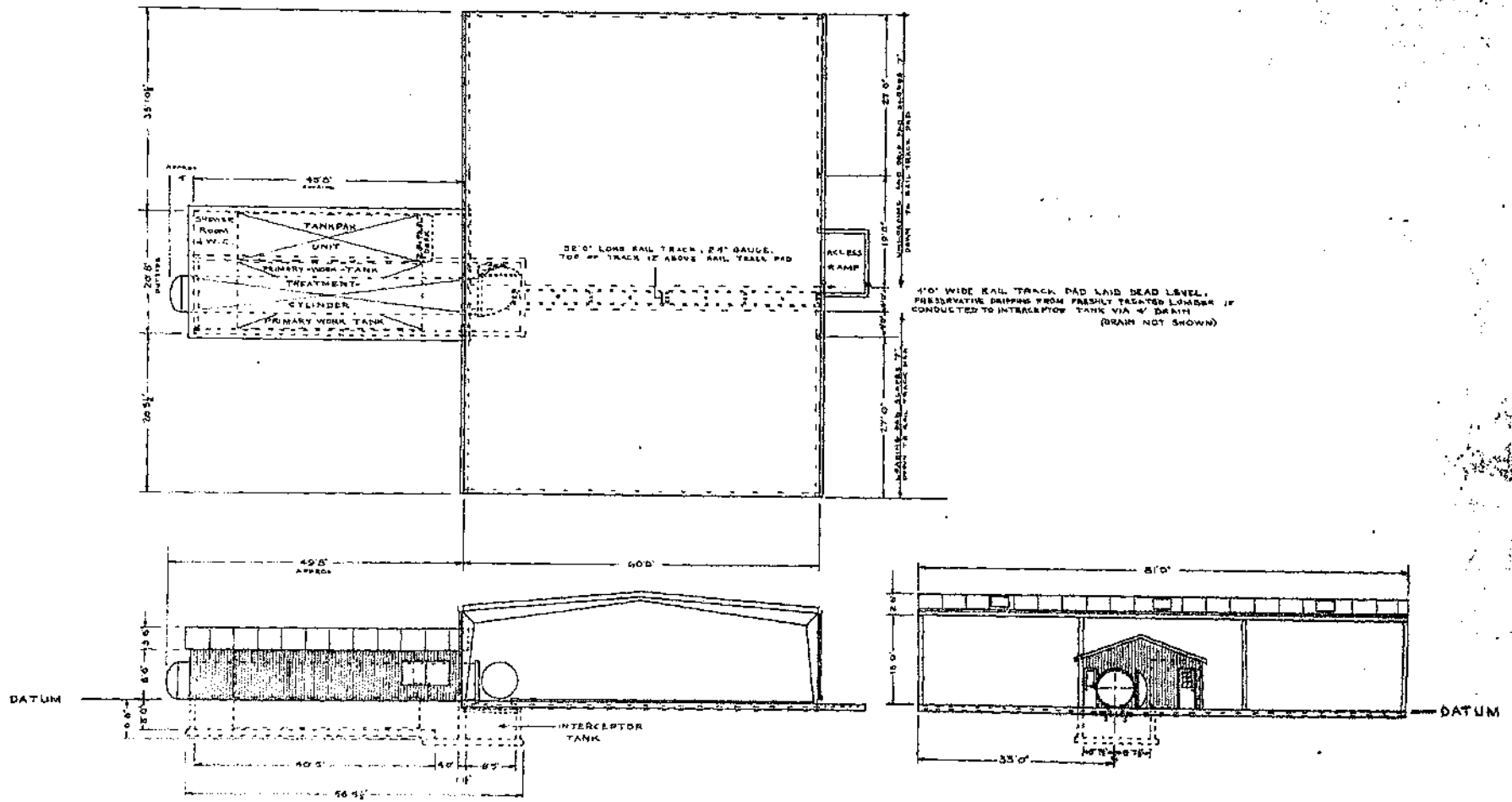
EPA United States Environmental Protection Agency	Title: 2014-05-03-CEI Photolog	Pictures taken by: R. Caballer
	EPA ID: *PRD987372794* Project: CEPD-RCRA-09-0146	

Picture 5 — 55-gal containers at the lay down area.

Picture 6 — Stacks of one cubic yard containers at the lay down area.

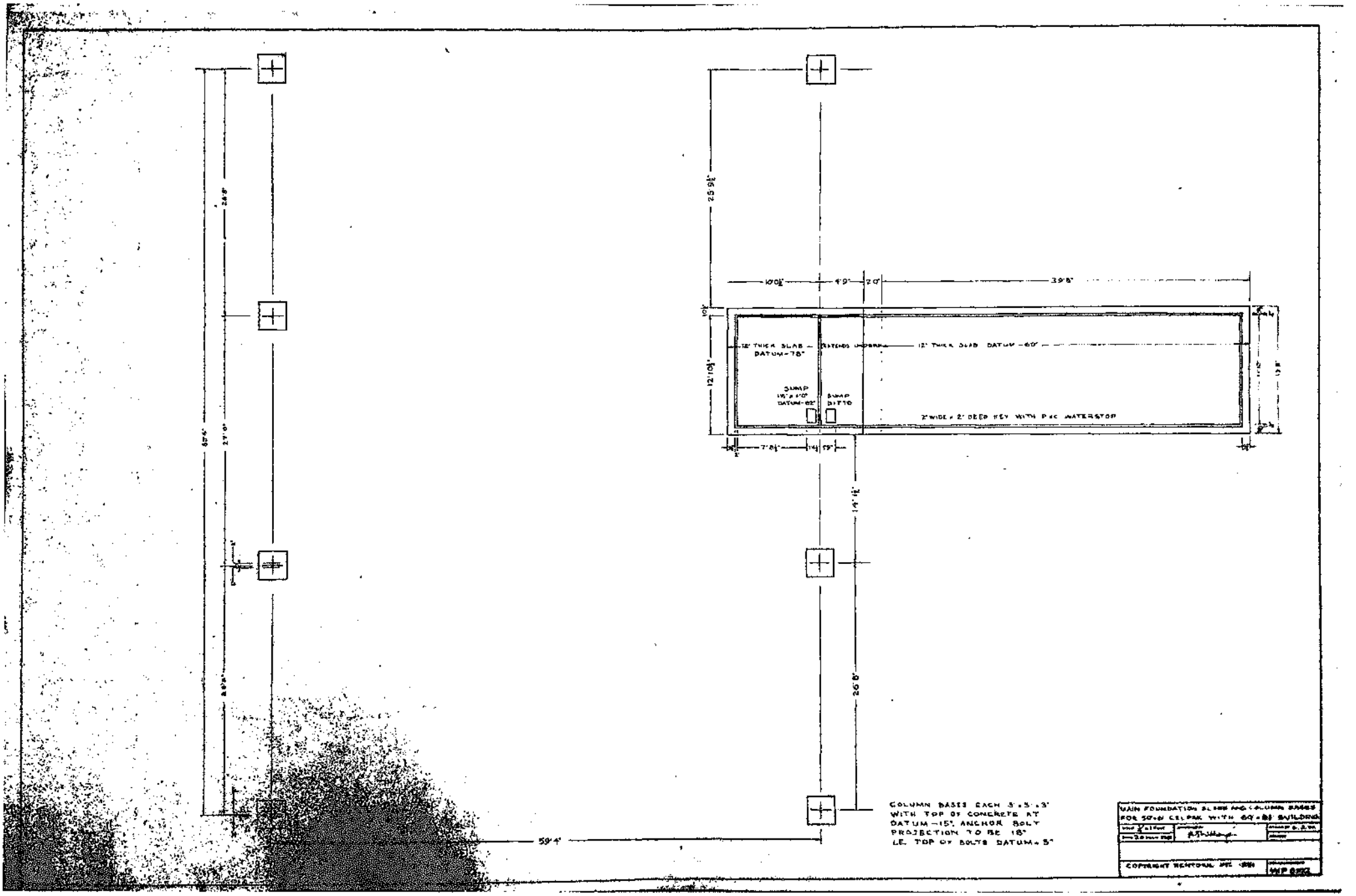
Picture 7 — Drip pad's berm with treated wood placed over it.

EPA United States Environmental Protection Agency	Title: 2014-05-03-CEI Photolog	Pictures taken by:
	EPA ID: *PRD987372794* Project: CEPD-RCRA-09-0146	R. Caballer



CELPAK TANKPAK, TRACK
GENERAL ARRANGEMENT

WP 8151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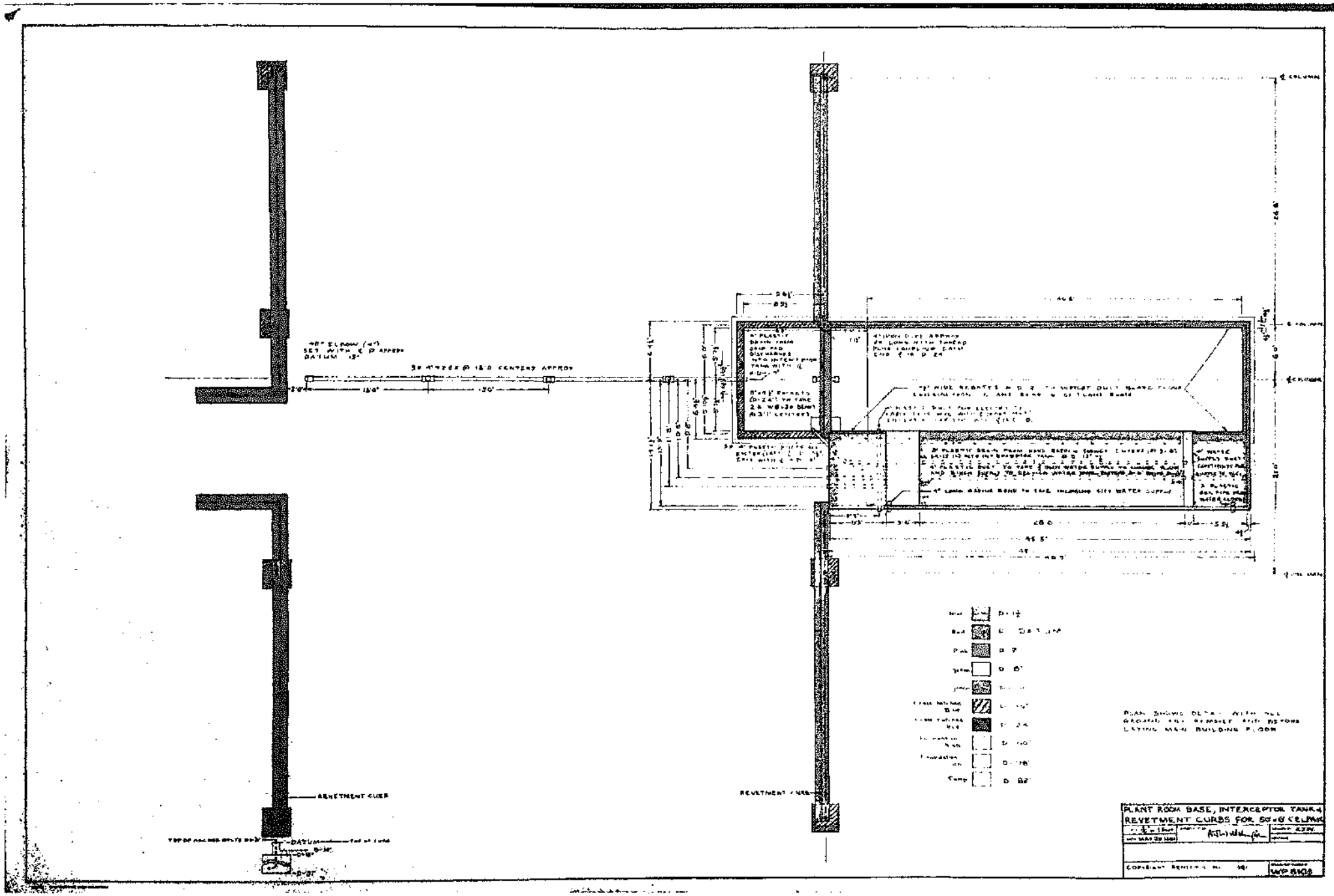
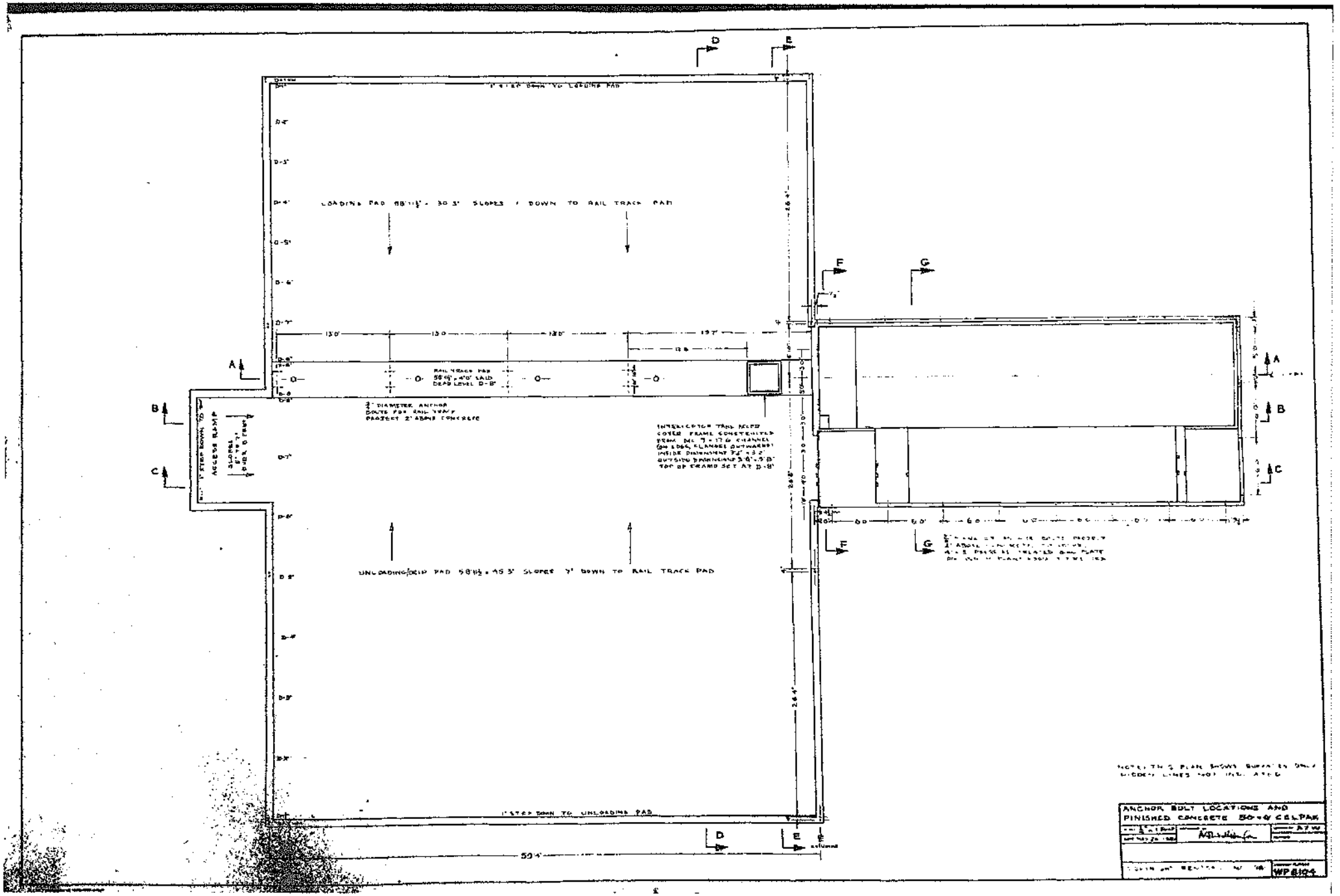
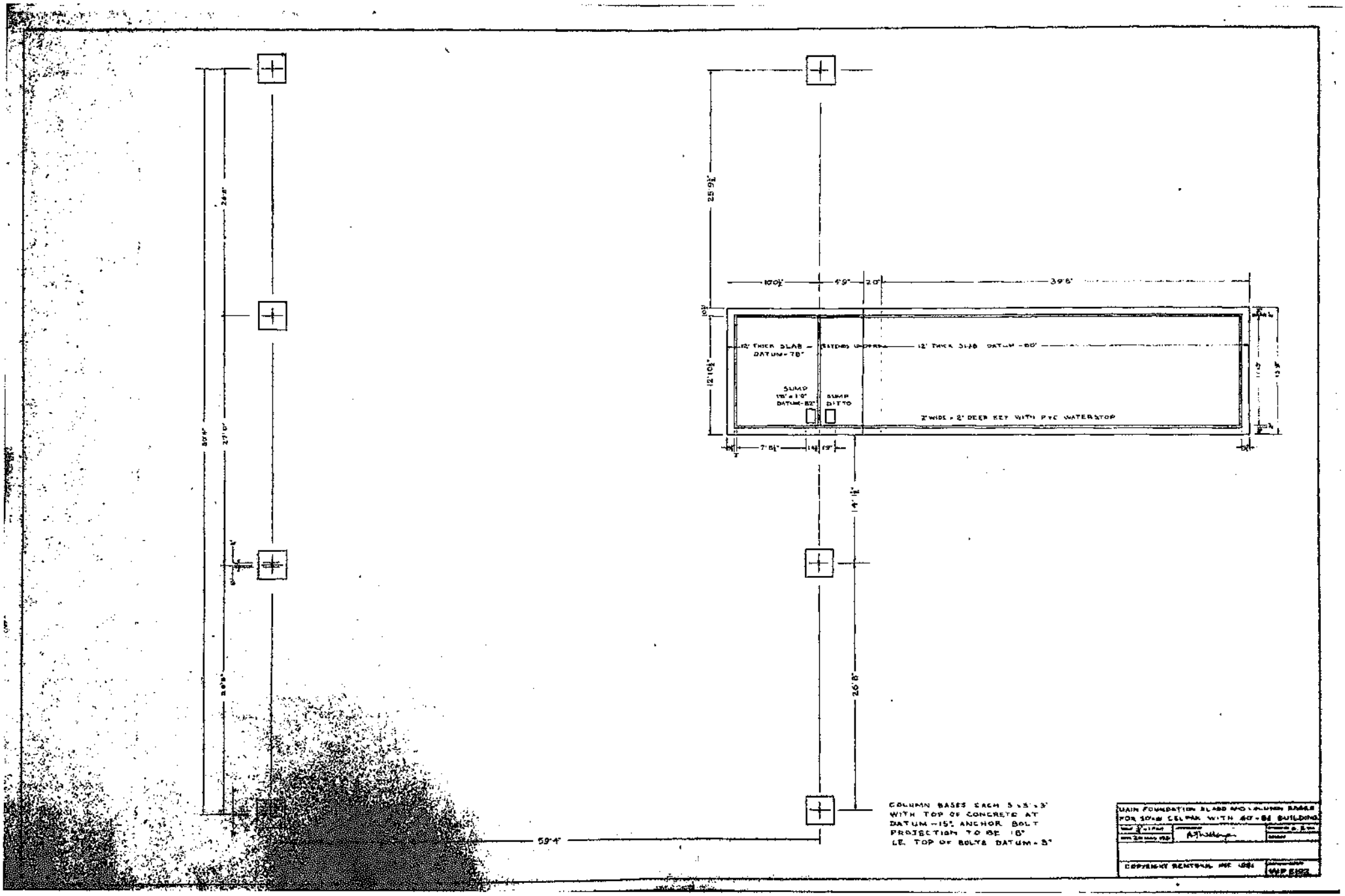
10'0½"
4'9"
2'0"
39'8"
12'10½"
12" THICK SLAB — DATUM -78"
EXTENDS UNDERNEATH
12" THICK SLAB DATUM -60"
SUMP 1'6" x 1'0" DATUM -82"
SUMP DITTO
2" WIDE x 2' DEEP KEY WITH P.V.C. WATERSTOP
7'8½"
14'
19"
14'1½"
26'8"
59'4"
COLUMN BASES EACH 5'-5"x 3'
WITH TOP OF CONCRETE AT
DATUM -15". ANCHOR BOLT
PROJECTION TO BE 18"
I.E. TOP OF BOLTS DATUM + 5"
MAIN FOUNDATION SLABS AND COLUMN BASES
FOR 50'-0" CELPAK WITH 60'-0" BUILDING
COPYRIGHT RESERVED
WP 6552

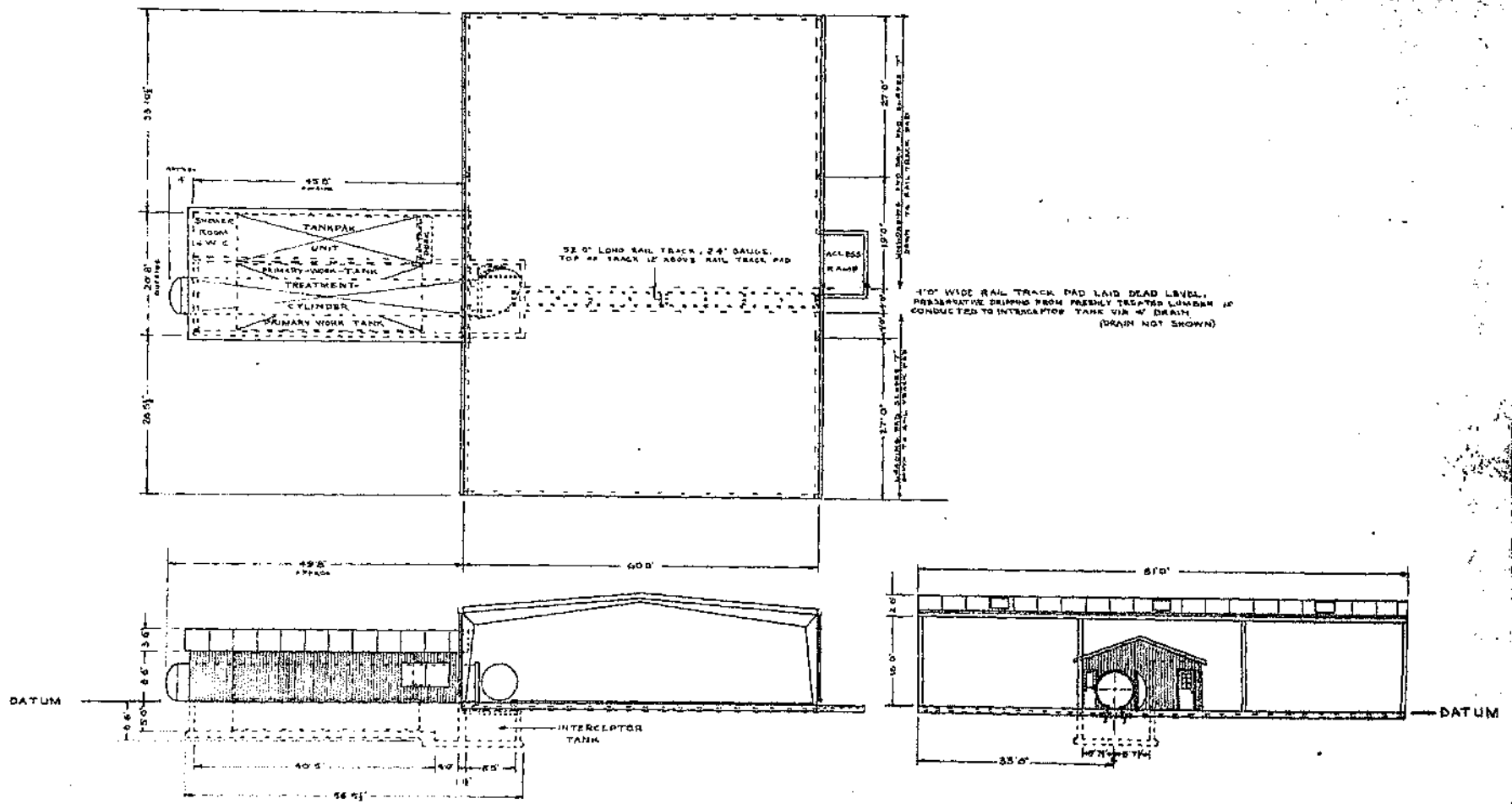

REVETMENT CURB
DATUM
REVETMENT CURB
PLANT ROOM BASE, INTERCEPTOR TANK &
REVETMENT CURBS FOR 50'-0" CEILING
WP 8103



ANCHOR BOLT LOCATIONS AND FINISHED CONCRETE 50'-0" CELLAR

WP8194


25'9½"
10'0½"
4'9"
2'0"
39'6"
10½"
12'10½"
12" THICK SLAB - DATUM - 78"
EXTENDS UNDER
12" THICK SLAB DATUM - 80"
SUMP 1'6" x 1'0" DATUM - 82"
SUMP DITTO
3" WIDE x 2" DEEP KEY WITH PVC WATERSTOP
7'8½"
1'4½"
26'8"
59'4"
COLUMN BASES EACH 3'x3'x3' WITH TOP OF CONCRETE AT DATUM - 15" ANCHOR BOLT PROJECTION TO BE 18" I.E. TOP OF BOLTS DATUM - 3"
MAIN FOUNDATION SLABS AND COLUMN BASES FOR 50'-0" CELLAR WITH 40'-0" BUILDING
COPYRIGHT REINFORCED CONCRETE



CELPAK TANKPAK, TRACK
GENERAL ARRANGEMENT

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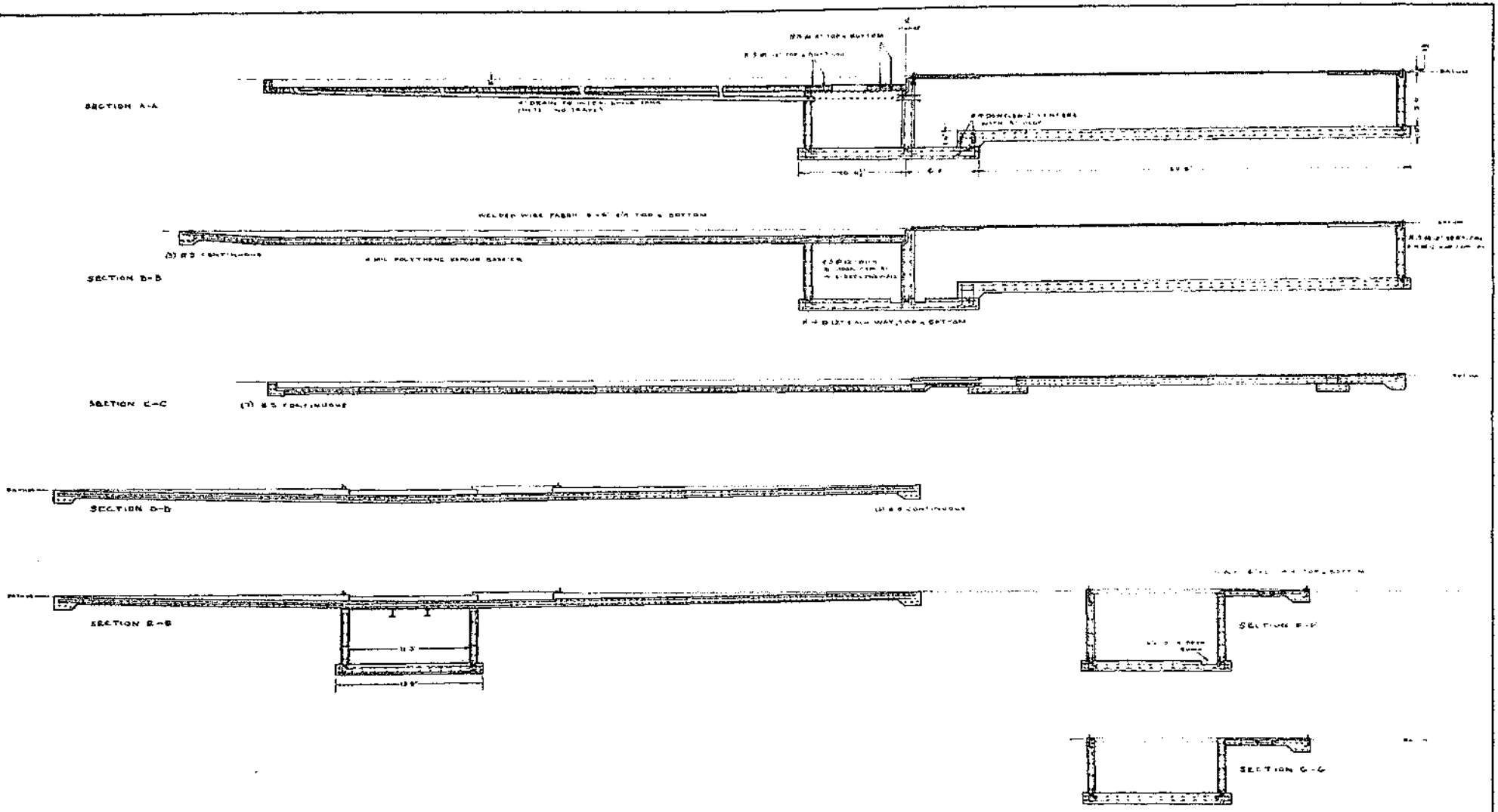
WP 3101



SECTIONS RELATING TO DRAWING NUMBERS 8101[illegible], 5046 CELPAK

8105

13. DISPOSAL CONSIDERATIONS

CARE MUST BE TAKEN TO PREVENT ENVIRONMENTAL CONTAMINATION FROM THE USE OF THE MATERIAL. THE USER OF THE MATERIAL HAS THE RESPONSIBILITY TO DISPOSE OF UNUSED MATERIAL, RESIDUES AND CONTAINERS IN COMPLIANCE WITH ALL RELEVANT LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS REGARDING TREATMENT, STORAGE AND DISPOSAL FOR HAZARDOUS AND NONHAZARDOUS WASTES.

Waste Disposal Summary :	If this product becomes a waste, it will be a hazardous waste.
Disposal Methods :	This product must be disposed of in accordance with National and EU laws, directives and regulations in a permitted waste treatment, storage and disposal facility.
Potential US EPA Waste Codes :	D002

14. TRANSPORT INFORMATION

Land (US DOT):	UN2922 CORROSIVE LIQUID, TOXIC, N.O.S. (2-OCTYL-2H-ISOTHIAZOL-3-ONE) 8 6.1 II
Water (IMDG):	UN2922 CORROSIVE LIQUID, TOXIC, N.O.S., (2-OCTYL-2H-ISOTHIAZOL-3-ONE) 8 6.1 II MARINE POLLUTANT Flash Point: 97.78 DEG°C
Air (IATA):	UN2922 CORROSIVE LIQUID, TOXIC, N.O.S., (2-OCTYL-2H-ISOTHIAZOL-3-ONE) 8 6.1 II
Emergency Response Guide Number:	ERG # 154
Transportation Notes:	Material is not regulated as a marine pollutant for ground transportation within the US if shipped in non-bulk packages.
EMS:	F-A, S-B

15. REGULATORY INFORMATION

UNITED STATES:

Toxic Substances Control Act (TSCA):	This is an EPA registered pesticide.
EPA Pesticide Registration Number:	67071-6-75506
FIFRA Listing of Pesticide Chemicals (40 CFR 180):	This product is regulated under the Federal Insecticide, Fungicide and Rodenticide Act. It must be used for purposes consistent with its labeling.

FOR ANY EMERGENCY, 24 HOURS / 7 DAYS, CALL:	1-800-654-6911 (OUTSIDE USA: 1-423-780-2970)
FOR ALL TRANSPORTATION ACCIDENTS, CALL CHEMTREC®:	1-800-424-9300 (OUTSIDE USA: 1-703-527-3887)
FOR ALL MSDS QUESTIONS & REQUESTS, CALL:	1-800-511-MSDS (OUTSIDE USA: 1-423-780-2347)

PRODUCT NAME: **MOLDICIDE WE**
EPA Registration Number: 67071-6-75506

1. PRODUCT AND COMPANY IDENTIFICATION

Arch Treatment Technologies, Inc.
5660 New Northside Drive, NW
Suite 1100
Atlanta, GA 30328

REVISION DATE:	02/27/2013
SUPERCEDES:	02/20/2013
MSDS Number:	000000003647
SYNONYMS:	None
CHEMICAL FAMILY:	Mixture
DESCRIPTION / USE	For control of mold, mildew, and fungi in sap stains and wood preservatives
FORMULA:	None established

2. HAZARDS IDENTIFICATION

OSHA Hazard Classification:	**Corrosive to eyes and skin, Respiratory irritant., Skin sensitizer, Toxic by ingestion and inhalation**

Routes of Entry:	Inhalation, skin, eyes, ingestion
Chemical Interactions:	No known or reported interactions.
Medical Conditions Aggravated:	Skin diseases including eczema and sensitization

Human Threshold Response Data

Odor Threshold	Not established.
Irritation Threshold	Not established.


WOLMANIZED